



DEPARTMENT OF THE ARMY

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REPLY TO
ATTENTION OF

ATZP-JA

9 July 2004

MEMORANDUM FOR ALL

SUBJECT: Point Paper on Relationships with Non-Federal Entities

1. Purpose: To give guidance on permissible interaction with NFE's.

2. References:

- a. DoD 5500.7-R, *The Joint Ethics Regulation (JER)*.
- b. AR 360-1, THE ARMY PUBLIC AFFAIRS PROGRAM, 15 September 2000.
- c. AR 1-100, GIFTS AND DONATIONS, 15 November 1983.
- d. AR 1-101, GIFTS FOR DISTRIBUTION TO INDIVIDUALS, 1 May 1981.

3. Rules Governing Official Relationships with NFE's:

a. **No endorsement.**

(1) Army employees (military and civilian) may not use their titles, offices, or positions to officially endorse an organization or its activities beyond what is permitted by the JER, para. 3-210 (it is "ok" for CFC, AER or Family Readiness Groups). Accordingly, NFE's may not receive special treatment for espousing Army goals or supporting the military community.

(2) Example: Army officials may not encourage their subordinates to participate in a particular NFE either in a formation, on Army letterhead, or by any other official action.

b. **Limited Support.**

(1) Appropriated funds (APF) and nonappropriated funds (NAF) may not be transferred, nor other assets given, to an NFE, except as authorized by law.

(2) The Army may provide limited support for certain events conducted by NFE's IAW JER 3-211. Examples of support that may be included are: speakers, panel members, or other participants and, on a limited basis, Army equipment.

(a) When deciding whether to participate in or support events with organizations, IAW JER para. 3-211(a), Army officials must ensure that expenditures of time and resources are of direct benefit and interest.

(b) Because the Army does not play favorites, what the Army permits one organization to do, it must be ready to permit other similar types of private organizations to do.

(c) The Army may not provide equipment or services that compete with local businesses.

(d) The Installation Commander is the approval authority for support. PAO and the SJA should also be consulted.

(3) Government services may not be used for NFE's. Examples include legal, audit, transportation, postal, printing, data processing, clerical, financial, management, purchasing, copying, etc.

c. No Pressure to Join NFE's or Support Membership Drives.

(1) Without reference to specific organizations, Army personnel may be encouraged to join, support, and participate in service, professional, recreational, and benevolent organizations. Officials may describe various organizations and their goals, objectives, and activities; however, they cannot favor one over another.

(a) Example 1: The unit 1SG may announce in formation that AUSA is having a meeting at the Sportsdome. Commanders may allow postings of membership information on non-official bulletin boards or placement of brochures in common areas, if all organizations have equal access.

(b) Example 2: Commanders and supervisors may not require subordinates to attend meetings to learn about and/or join a private organization (e.g., AUSA Officer Professional Development session held during duty hours with mandatory attendance required). Allowing certain private organizations to conduct briefings, routinely, at official Army functions and mandatory training implies Army endorsement and creates the appearance that membership in certain organizations is officially sanctioned by government (JER 3-209).

(2) A subordinate may not be appointed a unit point-of-contact for an organization's membership drive nor may privileges be awarded for the highest membership or participation rate in a private organization.

(3) Army officials may not require subordinates to explain their decision not to join or participate in a private organization.

(4) Units may not distribute unit personnel or social rosters to organizations that request them. Do not release any information without consulting the FOIA coordinator and the local ethics counselor/Staff Judge Advocate.

d. Limited Official Participation in NFE's.

(1) Liaisons.

(a) IAW the JER, para. 3-201, Army officials may be appointed to act as bona-fide liaisons with organizations if there is a significant and continuing Army interest to be served.

(b) Liaisons may officially represent the Army in matters of mutual interest to the Army and the NFE. Liaisons may not participate in matters concerning the management or control of the NFE.

e. Limited Gift Acceptance; No Gift Solicitation.

(1) Accepting Gifts.

(a) **Gifts to Units.** Units may accept gifts from NFE's; however, Army personnel may not grant special privileges to the donor.

(b) **Gifts to Individuals.** Units may accept gifts for distribution to individuals. These gifts may not exceed \$20 in value per person, per occasion. An individual may not accept more than \$50 in gifts from the same NFE in a calendar year.

(2) Soliciting Gifts. DoD employees may not solicit gifts from NFE's. They may, however, in response to an appropriate inquiry, inform potential donors of the unit's needs.

4. Conclusion: The above prohibitions are firmly grounded in statutes and/or regulations. Violations are criminal in nature and violators can be punished under the UCMJ.

5. POC is CPT Young J. Park at 242-6402.